

REMARKS

Claims 21-32 were pending in the present application. Claims 23 and 29-32 have been amended and claims 21-22 and 27-28 have been canceled. The remarks made herein are designed to place the case in condition for allowance. As such, Applicants respectfully request that the remarks made herein be entered and fully considered.

Objections to the Specification

The Examiner objected to the specification because the Related Applications section on page 1 of the specification failed to provide the serial number of an issued patent for an application to which the present application claims priority. Applicants have amended the Related Applications section accordingly to provide the serial number of the issued U.S. Patent.

The Examiner additionally objected to the specification for having URLs and for containing blank spaces associated with ATCC Accession Numbers. Applicants respectfully direct the Examiner to the Preliminary Amendment that was filed upon filing of the application on September 29, 2003. This Preliminary Amendment contained amendments to the specification to remove all URLs and blank spaces associated with ATCC Accession Numbers. The Examiner also pointed out a blank space at line 20 of page 2. Applicants have addressed this issue by deleting the sentence in which this blank space appears.

Applicants therefore respectfully request reconsideration of these objections to the specification.

Objections to the Drawings

The Examiner objected to the drawings because the labels are not in the same orientation as the drawings. Applicants have amended the drawings in order to place the labels in the proper orientation and submit substitute copies of the drawings herein. Applicants therefore respectfully request reconsideration of this objection to the drawings.

Objections to the Claims

The Examiner objected to the claims because the header for the claims, i.e. “What is claimed is:” is on a separate page than the claims. Applicants have therefore deleted this sentence from page 119 and have added this sentence at the beginning of page 120 in order to address the issue.

The Examiner also objected to claims 27-32 because the term “claims” should read “claim”. Applicants have amended the claims accordingly.

Applicants therefore respectfully request reconsideration of these objections to the claims.

Rejection of Claims 22 and 28 Under 35 U.S.C. §112, first paragraph

Claims 22 and 28 are rejected under 35 U.S.C. §112, first paragraph, “[b]ecause the specification, while being enabling for the polypeptide of SEQ ID NO:2, does not reasonably provide enablement for any polypeptide having at least 90% identity with SEQ ID NO:2 and having carboxylesterase activity.”

Applicants respectfully traverse this rejection, however in an effort to expedite prosecution and in no way acquiescing to the Examiner’s rejection, Applicants have canceled claims 22 and 28, thereby rendering the Examiner’s rejection moot. Therefore, Applicants respectfully request reconsideration and withdrawal of the foregoing 35 U.S.C. §112, first paragraph rejection over claims 22 and 28.

Rejection of Claims 21-23 and 27-29 Under 35 U.S.C. §102(e)

Claims 21-23 and 27-29 are rejected under 35 U.S.C. §102(e) as being anticipated by Sanjanwala et al., (US20040081980 - filing date of January 19, 2001). The Examiner states that i) SEQ ID NO:23 of Sanjanwala et al. shares 91% homology with SEQ ID NO:1 of the present invention; ii) SEQ ID NO:23 of Sanjanwala et al. shares 95% homology with SEQ ID NO:3 of the present invention; and iii) the polypeptide of Sanjanwala et al. encodes a protein having 94% homology with the protein set forth by SEQ ID NO:2 herein and having 332 contiguous residues that are identical to residues 31-363 of SEQ ID NO:2.

Applicants respectfully traverse this rejection, however in an effort to expedite prosecution and in no way acquiescing to the Examiner's rejection, Applicants have canceled claims 21-22 and 27-28, thereby rendering the Examiner's rejection moot over said claims.

Applicants have performed an alignment between the polypeptide encoded by SEQ ID NO:23 of Sanjanwala et al., namely SEQ ID NO:10, and SEQ ID NO:2 of the present invention and note that the two sequences only share 86.9% identity over their respective entire lengths (see Appendix A enclosed herewith). Therefore, in order to address the Examiner's concerns, Applicants have amended claim 23 to i) make it an independent claim; and ii) recite that the sequence identity to SEQ ID NO:2 be over the entire length of the amino acid sequence of SEQ ID NO:2. Applicants submit that the polypeptide sequence disclosed as SEQ ID NO:10 of Sanjanwala et al., does not anticipate claim 23 as the percent identity between the amino acid sequence of SEQ ID NO:10 of Sanjanwala et al., and the amino acid sequence of SEQ ID NO:2 of the present invention only share 86.9% identity over their entire lengths.

Therefore, Applicants respectfully request reconsideration and withdrawal of the foregoing 35 U.S.C. §102(e) rejection over claims 21-23 and 27-29.

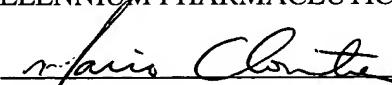
CONCLUSION

In view of the amendments and remarks made herein, Applicants respectfully submit that the rejections presented by the Examiner are now overcome and that this application is now in condition for allowance. Early notice to this effect is solicited.

If in the opinion of the Examiner, a telephone conference would expedite the prosecution of the subject application, the Examiner is invited to call the undersigned.

It is believed that this paper is being filed timely and that a one month extension of time is required. In the event any additional extensions of time are necessary, the undersigned hereby authorizes the requisite fees to be charged to Deposit Account No. 501668.

Entry of the remarks made herein is respectfully requested.

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